

Notice of Allowability**Application No.**

09/856,812

Applicant(s)

HUANG ET AL.

Examiner

MINH-TAM DAVIS

Art Unit

1642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to interview of 09/23/08.
2. ☒ The allowed claim(s) is/are 1,2,4,9,10,42,43 and 51-55.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 9/23/08
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

/Larry R. Helms/
Supervisory Patent Examiner, Art Unit 1643

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with the Attorney John Van Amsterdam on 09/23/08.

The application has been amended as follows:

Please add the following abstract:

Abstract

Polypeptides comprising an unbroken sequence of amino acids from SEQ ID NO: 1 or 2, with an ability to complex with a major histocompatibility complex molecule type HLA-A2, and preferably HLA-A2.1.

In the claims:

Claims 3, 5-8, 11-41, 44-45, 56 were cancelled.

Claims 10, 51 were rejoined with claims 1-2, 4, 9, 42-43, 52-55.

Claim 1 was amended as follows:

-----, or CLGLSYDGL (SEQ ID NO:57) ----- was inserted after (SEQ ID NO:49).

Claim 2 was amended as follows:

--- , or FLLFKYQMK (SEQ ID NO:48), or FIEGYCTPE (SEQ ID NO:49), or CLGLSYDGL (SEQ ID NO:57) ---- was inserted after (SEQ ID NO:50).

Claim 4 was amended as follows:

“A” on the first line was deleted, and --- An isolated --- was inserted.

“the amino acid adjacent L, V or I” was deleted, and ---- either the amino acid following the N-terminal amino acid is L and the C-terminal amino acid is L, V, or I, or the amino acid following the N-terminal amino acid is M and the C-terminal amino acid is I ---- was inserted.

Claim 9 was amended as follows:

“A” on the first line was deleted, and --- An isolated --- was inserted.

Claim 10 was amended as follows:

“A” on the first line was deleted, and --- An isolated --- was inserted.

“or GLYDGREHSV (SEQ ID NO:45) “ was deleted.

Claim 42 was amended as follows:

“adjacent to” was deleted and --- following --- was inserted.

Claim 51 was amended as follows:

“44” was deleted and --- 4 --- was inserted.

2. The following is an examiner’s statement of reasons for allowance:

The art does not teach or suggest:

a) a fragment of SEQ ID NO:1 that complexes with a major histocompatibility complex molecule type HLA-A2, or elicits an immune response from human lymphocytes, wherein said

fragment is not that set out in either SEQ ID NO:1 or SEQ ID NO:2, or that coded for by nucleotides 334-918 of SEQ ID NO:7, or GLEGAQAPL (SEQ ID NO:50), or FLLFKYQMK (SEQ ID NO:48), or FIEGYCTPE (SEQ ID NO:49), or CLGLSYDGL (SEQ ID NO:57);

b) SEQ ID NO: 42;

c) SEQ ID NO:44; or

d) a nonapeptide of SEQ ID NO:1, wherein either the amino acid following the N-terminal amino acid is L and the C-terminal amino acid is L, V, or I, or the amino acid following the N-terminal amino acid is M and the C-terminal amino acid is I, other than a nonapeptide having the sequence CLGLSYDGL (SEQ ID NO:57), or GLEGAQAPL (SEQ ID NO:50).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH-TAM DAVIS whose telephone number is 571-272-0830. The examiner can normally be reached on 9:00 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LARRY HELMS can be reached on 571-272-0832. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MINH TAM DAVIS
September 23, 2008

/Larry R. Helms/

Supervisory Patent Examiner, Art Unit 1643